

Public Education Governance Structures

Utah Constitutional and Statutory Provisions

August 27, 2013

State Legislature

Utah Constitution

"The Legislature shall provide for the establishment and maintenance of the state's education systems including: (a) a public education system, which shall be open to all children of the state. . . . Both systems shall be free from sectarian control." *Utah Constitution Article X, Section 1*

Duties

- Appropriate all state money for programs, including establishing funding formulas
- Establish programs
- Delegate duties related to the administration of public education

State Board of Education

Utah Constitution

"The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute." *Utah Constitution Article X, Section 3*

Utah Code

The State Board of Education consists of 15 voting members, nominated and elected as described below, and 4 non-voting members including: 2 members of the State Board of Regents; 1 member of the Utah College of Applied Technology; and 1 member of the State Charter School Board. *Section 53A-1-101*

- Anyone interested in becoming a candidate for the State Board of Education files a declaration of candidacy with the Lieutenant Governor. The Lieutenant Governor passes the names onto a nominating and recruiting committee. *Section 20A-14-104*
- The nominating and recruiting committee, comprised of 12 members appointed by the Governor, submits a list of 3 candidates for each of the open State Board districts to the Governor. *Section 20A-14-104*
- The Governor selects 2 candidates for submission to the voters for each State Board district from the list submitted by the nominating and recruiting committee. *Section 20A-14-105*
- If elected, the candidate serves a 4-year term. *Section 20A-14-103*

Duties

- Establish minimum standards for all public schools, including standards for 1) the qualification and certification of teachers; 2) attendance and graduation requirements; 3) school accreditation requirements; and 4) the core curriculum. *Sections 53-1-402 and 402.6*
- May interrupt state money to a school district or charter school if the school district or charter school fails to comply with State Board rules or policies. *Section 53A-1-401*

State Superintendent of Public Instruction

Utah Constitution

"The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board." *Utah Constitution Article X, Section 3*

Utah Code

The State Board of Education shall appoint a superintendent of public instruction who is the executive officer of the board and serves at the pleasure of the board. *Section 53A-1-301*

Duties

- Administer all programs assigned to the State Board of Education in accordance with the policies and the standards established by the board. *Section 53A-1-301*

State Charter School Board

Utah Code

The Governor appoints 7 members to serve on the State Charter School Board. *Section 53A-1a-501.5*

Duties

- Authorize and promote the establishment of charter schools. *Section 53A-1a-501.6*
- Annually review, monitor, and evaluate charter schools authorized by the Board. *Section 53A-1a-501.6*
- Provide technical support to charter schools. *Section 53A-1a-501.6*
- Approve increases in charter school capacity (dependent on state funding). *Section 53A-1a-502.5*
- Terminate or close unsuccessful or noncomplying charter schools. *Sections 53A-1a-510 and 510.5*

Local School Boards (School Districts) and Charter School Governing Boards (Charter Schools)

Utah Code

Local School Boards -- Members are elected for 4-year terms in accordance with the Election Code. *Utah Code Title 20A, Chapter 14*

Charter School Governing Boards -- Each charter school has a governing board designated by the charter school. *Section 53A-1a-503.5 and Utah Administrative Code R277-470-1*

Duties

- Design school district or charter school programs, supported by generally accepted scientific standards of evidence, to focus on the core curriculum standards. *Section 53A-1-402.6*
- In general, may select instructional materials and methods of teaching (curricula) that are supported by generally accepted scientific standards of evidence and that the school considers most appropriate to meet core curriculum standards (the curricula may also be selected at the school level). *Section 53A-1-402.6*
- Allocate funding and resources to programs, personnel, and capital uses. *Section 53A-3-402*
- Evaluate educators and administrators, and determine compensation and benefit packages for employees. *Title 53A, Chapter 8a*
- Hire and fire educators and other personnel. *Title 53A, Chapter 8a*
- Administer and implement federal educational programs. *Section 53A-3-402*
- Levy certain local property taxes and issue general obligation bonds (local school boards only).

District Superintendent of Schools

Utah Code

A district superintendent of schools is appointed by each school district's local school board. A district superintendent's term of office is for 2 years and until a successor is appointed and qualified. *Section 53A-3-301*

Duties

- Act as chief executive officer of the school district. *Section 53A-3-301*

School District Business Administrator

Utah Code

A school district business administrator is appointed by each school district's local school board. A business administrator's term of office is for 2 years and until a successor is appointed and qualified. *Section 53A-3-302*

Duties

- Act as custodian of all school district funds, be responsible and accountable for all money received and disbursed, and keep accurate records of all revenues received and the revenue sources.
- Prepare and submit to the local school board a detailed annual statement of the school district's revenue and expenditures.
- Assist the superintendent in the preparation and submission of budget documents and statistical and fiscal reports required by law or the State Board of Education.
- Insure that adequate internal controls are in place to safeguard the district's funds.
- Perform other duties as the superintendent may require. *Section 53A-3-303*